

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

CIVIL NO. 12-257 (JB-LFG)

LARRY A. GOLDSTONE,
CLARENCE G. SIMMONS, III, and
JANE E. STARRETT,

Defendants.

**DECLARATION OF GREGORY A. KASPER IN SUPPORT OF
PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S MOTION TO
COMPEL ADDITIONAL TESTIMONY FROM DEFENDANT JANE STARRETT**

I. INTRODUCTION

I, Gregory A. Kasper, declare as follows:

1. I am an attorney duly licensed to practice in the State of New York, and was duly admitted and qualified to practice as an attorney in the United States District Court for the District of New Mexico on March 27, 2012. I am a trial attorney for the Plaintiff Securities and Exchange Commission.

2. I submit this declaration in support of Plaintiff's Motion to Compel Additional Testimony from Defendant Jane Starrett. I have personal knowledge of the facts set forth below.

3. Attached as Exhibit A is a true and correct excerpted copy of the transcript of the deposition of Ms. Jane Starrett on February 19, 2013.

4. Attached as Exhibit B is a true and correct copy of an email from Gregory Kasper to Jerry Marks, copying others, dated March 25, 2013, forwarding an email exchange between

Gregory Kasper and Joel Sher, copying Stephen McKenna, including emails dated January 10, 2013, January 14, 2013, and March 15, 2013.

5. Attached as Exhibit C is a true and correct copy of an email exchange between Robert Liubicic and Stephen McKenna, copying others, including emails dated December 5, 2012 and December 10, 2012.

6. Attached as Exhibit D is a true and correct copy of the Order Approving Appointment of Joel I. Sher as Chapter 11 Trustee in *In re TMST, Inc., f/k/a, Thornburg Mortgage, Inc., et al.*, Case No. 09-17787-DWK (Bankr. D. Md. Oct. 28, 2009).

7. Defendants introduced exhibits at the depositions of Tara Baucom and Matthew Plummer that contained the following statement at the top of each page: “Privileged and Confidential Pursuant to Section 1005(b)(5)(A) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. Section 7215(b)(5)(A)).” Exhibit A (Dkt #90-2) to the Declaration of Andrew G. Schultz in Support of Defendants’ Motion to Compel Production of Plaintiff’s Notes and Memoranda of Interviews with Non-Party Witnesses (Dkt # 90-1) is an excerpt of the exhibit used at Ms. Baucom’s deposition.

8. I conducted a search of the database containing the documents produced to the Commission by Thornburg for “sheri fox.” This search generated over 1000 “hits.”

9. At the depositions of Tara Baucom and Jennifer Hall, Defendants introduced exhibits (Exhibits 34 and 110, respectively) that are email communications between Ms. Fox or Ms. Fox and other counsel, former Thornburg employees or former Thornburg employees and Board members, and KPMG employees.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 19, 2013.

s/Gregory A. Kasper
Gregory A. Kasper
Counsel for the Securities and Exchange
Commission